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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,675	06/06/2005	Lionel Prat	0589-1006	5159

466 7590 03/26/2007
YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/537,675	Applicant(s) PRAT ET AL.	
	Examiner Julie Lieu	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/6/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to Applicant's preliminary amendment filed June 06, 2005. Claims 3-6 and 8-10 have been amended. New claims 11-19 have been added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8, 9, and 11-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Gill (US Patent No. 5,012,225).

Claim 1:

Gill discloses a security device for preventing shoplifting consisting of a flexible flat substrate 1 comprising an inductor (4) and a capacitor (3) which form a resonant circuit, the plates of the capacitor being separated by a layer (5) of dielectric material at least one zone of which is designed to make it possible to establish a short-circuit between the plates for a deactivation of the device (fig. 1), characterized in that on one face at least of the substrate is provided a rigidified part 7 whose contour surrounds the zone or zones provided for deactivation (figs. 1 and 3).

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Claim 2:

Gill discloses placements on both sides of the resonant circuits are possible as desired.

Col. 3 last paragraph to col. 4 first paragraph.

Claim 3:

As seen in fig.1, the rigidity of the rigidified part 7 is such that the repeated bending movements of the flexible substrate 1 are prevented or limited in the zone or zones 3 where the short-circuits have been, or will be, established.

Claim 4:

Inherently the rigidified part 7 is constituted by a region of the substrate 1 itself having undergone a rigidification treatment or having a specific composition endowing it with greater rigidity since it is formed of abrasive material.

Claim 5:

The rigidified part 7 is constituted by an add-on rigidification element fixed to the substrate 1.

Claim 8:

It appears that the rigidification element is constituted by a ring. Fig. 1.

Claim 9:

The rigidification element 7 is constituted by a flat or domed rigid panel.

Claim 11:

The rejection of claim 11-19 recites the rejection of claim 3.

Claims 12-13:

The rejection of claims 12-13 recites the rejection of claim 4.

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Claims 14-15:

The rejection of claims 14-15 recites the rejection of claim 5.

Claims 16-17:

The rejection of claims 16-17 recites the rejection of claim 8.

Claims 18-19:

The rejection of claim 18-19 recites the rejection of claim 9.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).\

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6. Claims 6, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gill (US Patent No. 5,012,225).

Claims 6 and 7:

It is not clear whether the rigidification element of the rigidified part 7 is made of resin, or of composite resin hardened when cold or under ultraviolet radiation. Nonetheless, a skilled artisan would provide an equivalent composite as claimed because it is supposed to be composed of substance hard enough to physically damage the circuit layer. See col. 2 second paragraph.

Claim 10:

The sticker in Gill has a square contour. However, it would have been obvious to one skilled in the art to use a contour of ovoid form with one end narrower than the other because such contour shape is popular and conventional in the art to conveniently match the shape of the shoes and to fit properly at the location where the sticker is mounted. The location of the capacitor lacks inventive step because its function would not thereby be modified. The sticker in Gill is insertable into the toe of the sole of the shoe, in front of the zone of natural creasing when walking as seen in fig. 4.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Julie Lieu
Primary Examiner
Art Unit 2612

Mar 19, 07